

REMARKS

Claims 1-11, 13-18 and 20-25 are pending. By this Amendment, the specification and claims 13-18, 20, 21 and 23-25 are amended, and claims 12, 19 and 26-37 are canceled.

Reconsideration of the current rejections based on the following remarks is respectfully requested.

I. The Claims Satisfy the Requirements Under 35 U.S.C. § 112, Second Paragraph

The Office Action rejects claims 12-25 under 35 U.S.C. § 112, second paragraph as not providing proper antecedent basis for "said communications link". The amendments made to the claims obviate this rejection. Withdrawal of the rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

II. The Claims Define Patentable Subject Matter

A. The Double Patenting Rejections

The Office Action rejects claims 1, 2 and 5-11 over claims 1-6, 8 and 9 of Ruziak et al. (U.S. Patent No. 6,256,296) in view of Gulick et al. (U.S. Patent No. 5,758,177) and claims 3, 4, 13 and 20 over claim 1 of Ruziak in view of Young (U.S. Patent No. 5,721,659) based on obviousness-type double patenting. The attached Terminal Disclaimer, which disclaims the terminal portion of any patent issued based on the present application which extends beyond the expiration of the Ruziak patent, obviates these double patenting rejection. It is noted that the Ruziak patent has not yet been assigned to the assignee of the present application. During a November 4, 2004

telephone discussion between Examiner Hsu and applicant's representative, Examiner Hsu agreed to accept the Terminal Disclaimer as a valid response to the double patenting rejection, and further indicated that he would issue a Quayle Action requiring the submission of an Assignment which assigns the Ruziak patent to the assignee of the present application. Applicant will submit such an Assignment in due course.

B. The Rejections Under 35 U.S.C. § 103(a)

The Office Action also rejects claims 12, 16-19 and 23-25 under 35 U.S.C. 103(a) over Segev (U.S. Patent No. 5,566,022) in view of Young; claim 14, 15, 21 and 22 under 35 U.S.C. 103(a) over Segev in view of Young, and further in view of Marsh et al. (U.S. Patent No. 5,999,167); claim 26 under 35 U.S.C. 103(a) over Segev in view of Gulick; claims 27-29 and 31 under 35 U.S.C. 103(a) over Segev in view of Gulick, and further in view of Young; claim 30 under 35 U.S.C. 103(a) over Segev in view of Gulick, and further in view of Marsh; claims 32, 34, 35 and 37 under 35 U.S.C. 103(a) over Segev in view of Young; and claims 33 and 36 under 35 U.S.C. 103(a) over Segev in view of Young, and further in view of Marsh.

Original independent claims 12 and 19 are canceled, and claims 13 and 20, which are rejected only based on double patenting, are placed in independent form. As discussed above, the attached Terminal Disclaimer obviates the double patenting rejection. Thus, independent claims 1, 13 and 20, and the claims dependent therefrom, are now in condition for allowance. The remaining claims 26-37 are canceled. Withdrawal of the rejections under 35 U.S.C. 103(a) is respectfully requested.

We also request an Updated Filing Receipt to reflect change thereof.


Appl. No. 09/638,810
Amdt. dated November 4 ,2004
Reply to Office Action dated May 7, 2004

Any fee required for the attached Request for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17 and not submitted herewith should be charged to the Deposit Account of the undersigned attorneys, Account No. 01-1785; any refund should be credited to the same account.

Respectfully submitted

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Att: Terminal Disclaimer
Petition for Extension of Time